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Subject:—Opinions under the Bombay Medical Act 1912

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Legal Department.

Question of continuance of old council for full term. Bombay Medical Act, 1912.

Section 3(1).

Sub-section (1) of section 3 of the Bombay Medical Act, 1912 provides that the members of the Medical Council shall hold office for a term of five years and shall be capable of re-appointment. Sub-section (2) provides that upon the death or resignation of any member of the Medical Council, some other person shall be appointed a member of the Medical Council in his place by nomination or election, as the case may be, in accordance with the provisions of sub-section (2) of section 2 and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was nominated or elected. It will be clear from these provisions that the council will hold office for a full period of five years. The fact that the constitution of the Council is now altered by Bombay Act LV of 1950 by bringing the Act into force from the 23rd January 1951 will not reduce the Council's tenure. The new Council under the revised constitution will have to be constituted only after the expiry of the term of the present council. The view taken by Local Self Government and Public Health Department is correct.

Contd.

J.N.Dhurandhar.

15/2.

o.c.

Additional Secretary to Government.

U.O. to L.S.G. & P.H.D. No. 2867,

dated the 15th February 1951.

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